

ORIGINAL

COVINGTON & BURLING

EX PARTE OR LATE FILED

1201 PENNSYLVANIA AVENUE NW WASHINGTON, DC  
WASHINGTON, DC 20004-2401 NEW YORK  
TEL 202.662.6000 LONDON  
FAX 202.662.6201 BRUSSELS  
WWW.COV.COM SAN FRANCISCO

JENNIFER A. JOHNSON  
TEL 202.662.6662  
FAX 202.778.5552  
JJOHNSON@COV.COM

April 18, 2002

**BY HAND DELIVERY**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**RECEIVED**

APR 18 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: *Ex Parte*, CS Docket Nos. 98-120 & 00-96, MM Docket No. 00-39

Dear Ms. Dortch:

Attached please find six copies of a written *ex parte* letter from eight broadcast television station owners to Chairman Michael Powell, which pertain to the above referenced "permit-but-disclose" proceedings. Two copies of the letter are being submitted for each docket, as required by Section 1.1206(b)(1) of the Commission's Rules.

Any questions regarding this *ex parte* presentation may be directed to the undersigned

Sincerely,

  
Jennifer A. Johnson

JAJ/lld

Enclosures

No. of Copies rec'd 015  
List ABCDE

ORIGINAL

EX PARTE OR LATE FILED

April 18, 2002

RECEIVED

APR 18 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Digital Television Plan**  
*Ex Parte*, CS Docket Nos. 98-120 & 00-96, MM Docket No. 00-39

Dear Chairman Powell:

As broadcasters who strongly believe that digital television presents a tremendous opportunity to bring enhanced and creative new service to the public, we commend and thank you for the Digital Television Plan you submitted to Chairman Hollings and Chairman Tauzin on April 4. We recognize that the plan is just a first step that does not cover all of the issues and challenges that must be resolved by the Commission and affected industries before the digital transition can succeed. Importantly, your proposal does not prejudice the critical issues now before the Commission. But your plan does lay the groundwork for real progress by putting *all* of the essential industries on notice that they must be active participants in this revolutionary transition. Your plan understands that broadcasters alone cannot bring the benefits of DTV service to the public; cable operators, DBS providers, equipment manufacturers and programmers all have a role to play.

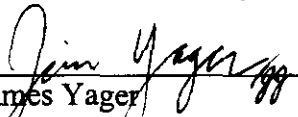
As your plan recognizes, the inclusion of DTV tuners in new television sets is critical to promote the transition of all over-the-air broadcast television stations to digital. While we support a more aggressive phase-in schedule, it is clear that your proposal would cause DTV penetration levels to increase at a rate that far exceeds a purely "market-driven" approach. Your plan also recognizes the critical role that cable and DBS operators must play in promoting consumer access to and investment in broadcasters' DTV service. A major shortcoming of the proposal is that it would permit cable operators and satellite providers to use non-broadcast programming services to meet the digital carriage benchmarks you laid out. Because cable penetration in our country is 70% and the digital transition will not be complete until there is 85% broadcast digital penetration, cable carriage of local broadcast stations' innovative digital programming – whether a single HDTV stream or multiple streams of programming – during the DTV transition is essential. We also believe it is essential to consumer welfare that cable systems not be allowed to strip out other innovative services that broadcasters develop for their digital capacity. We are eager to develop and distribute to the public the types of "value added" DTV programming and services referenced in your plan. At the same time, we need assurances that these enhanced services ultimately will reach the public.

Among us, we represent 99 local DTV stations, set forth in the attached station list. After investing tens of millions of dollars in capital costs, we will spend tens of thousands every month to push the digital transition. The total broadcast industry investment in DTV may be approaching \$2 billion, and will eventually total some \$10 billion. We believe that the television station community can do more to make DTV desirable to consumers. But we are counting on you and our partners in other industries to ensure that consumers have convenient and ubiquitous access to broadcasters' DTV offerings. We hope that you and your fellow Commissioners will follow up this bold plan with consistent and clear action so that our work to turn the public's over-the-air broadcast service into a broadband force in the digital age will bear fruit for the benefit of the whole nation.

Sincerely,



Charles Allen  
General Manager, KAET(TV)  
Arizona State University



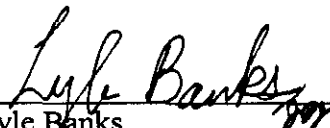
K. James Yager  
President and Chief Operating Officer  
Benedek Broadcasting Corporation



Gary Chapman  
President and Chief Executive Officer  
LIN Television Corporation



Paul H. McTear, Jr.  
President and Chief Executive Officer  
Raycom Media, Inc.



Lyle Banks  
President  
Banks Broadcasting, Inc.



Thomas H. Draper  
President  
Draper Communications, Inc.



August C. Meyer  
President  
Midwest Television, Inc.



Henry Becton  
President  
WGBH Educational Foundation

Attachment

cc: The Honorable Ernest F. Hollings  
The Honorable John McCain  
The Honorable Daniel K. Inouye  
The Honorable Conrad Burns  
Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Marsha J. MacBride  
Susan Eid  
Stacy Robinson

The Honorable W.J. Tauzin  
The Honorable John D. Dingell  
The Honorable Fred Upton  
The Honorable Edward J. Markey  
Susanna Zwerling  
Catherine Crutcher Bohigian  
Kenneth Ferree  
Roy J. Stewart  
Robert Ratcliffe  
Marlene H. Dortch

## **ATTACHMENT**

### **List of Stations**

#### **Arizona State University**

KAET, Phoenix, AZ

#### **Banks Broadcasting, Inc.**

KNIN-TV, Caldwell, ID

KWCV, Wichita, KS

#### **Benedek Broadcasting Corporation**

KAKE-TV, Wichita, KS

KLBY, Colby, KS

KUPK-TV, Garden City, KS

KAUZ-TV, Wichita Falls, TX

KDLH, Duluth, MN

KGWC-TV, Casper, WY

KGWR-TV, Rock Springs, WY

KGWL-TV, Lander, WY

KGWN-TV, Cheyenne, WY

KSTF, Scottsbluff, NE

KHQA-TV, Hannibal, MO

KKTV, Colorado Springs, CO

KMIZ, Columbia, MO

WBKO, Bowling Green, KY

WHOI, Peoria, IL

WHSV-TV, Harrisonburg, VA

WIBW-TV, Topeka, KS

WIFR, Freeport, IL

WILX-TV, Onondaga, MI

WMTV, Madison, WI

WOWT-TV, Omaha, NE

WSAW-TV, Wausau, WI

WTAP-TV, Parkersburg, WV

WTOK-TV, Meridian, MS

WTRF-TV, Wheeling, WV

WTVY, Dothan, AL

WYTV, Youngstown, OH

**Draper Communications, Inc.**

WBOC-TV, Salisbury, MD

**Midwest Television, Inc.**

KFMB-TV, San Diego, CA

**LIN Television Corporation**

WAVY-TV, Portsmouth, VA

WVBT, Virginia Beach, VA

KXAN-TV, Austin, TX

KXAM-TV, Llano, TX

\*KNVA, Austin, TX

WISH-TV, Indianapolis, IN

WLFI-TV, Lafayette, IN

WOOD-TV, Grand Rapids, MI

WOTV, Battle Creek, MI

WANE-TV, Fort Wayne, IN

WIVB-TV, Buffalo, NY

WNLO, Buffalo, NY

WNAC-TV, Providence, RI

WWLP, Springfield, MA

WTNH, New Haven, CT

\*WCTX, New Haven, CT

WAND, Decatur, IL

WNJX-TV, Mayaguez, PR

WAPA-TV, San Juan, PR

WJPX, San Juan, PR

WJWN-TV, San Sebastian, PR

WKPV, Ponce, PR

\*WTIN, Ponce, PR

\*WEYI-TV, Saginaw, MI

\*WDTN, Dayton, OH

\*WUPW, Toledo, OH

\*WPRI-TV, Providence, RI

\*KACB-TV, San Angelo, TX

\*KRBC-TV, Abilene, TX

**Raycom Media, Inc.**

KASA-TV, Santa Fe, NM  
KFVE, Honolulu, HI  
KFVS-TV, Cape Girardeau, MO  
KHNL, Honolulu, HI  
KHBC-TV, Hilo, HI  
KOGG, Wailuku, HI  
KOLD-TV, Tucson, AZ  
KSFY-TV, Sioux Falls, SD  
KABY-TV, Aberdeen, SD  
KPRY-TV, Pierre, SD  
KSLA-TV, Shreveport, LA  
KTVO, Kirksville, MO  
KWWL, Waterloo, IA  
KXRM-TV, Colorado Springs, CO  
WACH, Columbia, SC  
WAFB, Baton Rouge, LA  
WAFF, Huntsville, AL  
WDAM-TV, Laurel, MS  
WECT-TV, Wilmington, NC  
WFLX, West Palm Beach, FL  
WLII, Caguas, PR  
WSUR-TV, Ponce, PR  
WLUC-TV, Marquette, MI  
WMC-TV, Memphis, TN  
WNWO-TV, Toledo, OH  
WOIO-TV, Shaker Heights, OH  
WPBN-TV, Traverse City, MI  
WTOM-TV, Cheboygan, MI  
WSTM-TV, Syracuse, NY  
WTNZ, Knoxville, TN  
WTOC-TV, Savannah, GA  
WTVM, Columbus, GA  
WTVR-TV, Richmond, VA  
WUAB, Lorain, OH  
WXIX-TV, Newport, KY

**WGBH Educational Foundation**

WGBH-TV, Boston, MA  
WGBX-TV, Boston, MA  
WGBY-TV, Springfield, MA

\*Indicates an LMA station.